

REMARKS

1. In response to the Office Action mailed December 7, 2010, Applicants respectfully request reconsideration. Claims 25, 27-34, 39-51 and 53-65 were last presented for examination. In the outstanding Office Action, claims 25, 27, 34, 39-42, 53-59, 64 and 65 were rejected, and claims 28-33, 43-51 and 60-63 were objected to. By the foregoing amendments, claims 34, 45, 53 and 54 have been amended. No claims have been added or cancelled. Upon entry of this paper, claims 25, 27-34, 39-51 and 53-65 will be pending in this application. Of these thirty-five (35) claims, three (3) claims (claims 25, 34 and 55) are independent.

2. Based upon the following Amendments and Remarks, Applicants respectfully request that all outstanding objections and rejections be reconsidered and withdrawn.

Claim Rejections under § 112

3. Claims 34, 53 and 54 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Applicants respectfully request that these objections be reconsidered and withdrawn for at least the following reasons.

Claim 34

4. In the Office Action, the Examiner asserts that the limitation “connect a selected one of the to the output circuit,” as recited in claim 34, is unclear. Applicants’ claim 34 has been corrected above to recite “connect a selected one of the batteries to the output circuit,” which is consistent with the Examiner’s stated interpretation of claim 34 for purposes of examination. (*See*, Office Action, pg. 2.)

Claim 53

5. In the Office Action, the Examiner asserts that “the input voltage converter circuit,” as recited in claim 53, lacks antecedent basis. Applicants’ claim 53 has been corrected above to recite “the voltage converter circuit,” which finds antecedent basis in claim 34. This

correction is consistent with the Examiner's interpretation of claim 53 for purposes of examination. (*See*, Office Action, pg. 2.)

Claim 54

6. In the Office Action, the Examiner asserts that the limitation "the output voltage converter," as recited in claim 54, is unclear, and further indicates that claim 54 depends from cancelled claim 36. Applicants' claim 54 has been corrected above to depend from claim 34 and to recite "the voltage converter circuit," which finds antecedent basis in claim 34. These corrections are consistent with the Examiner's interpretation of claim 54 for purposes of examination. (*See*, Office Action, pg. 2.)

7. Accordingly, Applicants respectfully request that these rejections of claims 34, 53 and 54 be reconsidered and withdrawn.

Interview Summary

8. Applicants thank the Examiner for the courtesies extended to Applicants' representatives in the telephonic interview conducted on January 21, 2011. In the interview, the Examiner acknowledged that the statement of the rejections of claims 25, 27, 34, 39-40, 55-57 and 64 under 35 U.S.C. 103(a) is inconsistent with the actual rejections of those claims. More specifically, the Examiner acknowledged that while the Office Action states that these rejections rely secondarily upon U.S. Patent No. 5,553,294 to Nanno et al., the rejections actually rely secondarily upon a reference referred to as "'935". The Examiner confirmed that the '935 reference is Japanese Patent Document No. JP 04334935 to Miwa et al. (hereinafter, "Miwa"). Additionally, the Examiner acknowledged in the interview that the above rejections rely upon a non-English language portion of Miwa for which no translation has been provided. Accordingly, the Examiner agreed to issue a new Office Action along with an English translation of Miwa.

Claim Rejections under § 103

9. Claims 25, 27, 34, 39-40, 55-57 and 64 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Australian Patent Application No. 200176077 to Single (hereinafter, “Single”) in view of U.S. Patent No. 5,553,294 to Nanno et al. (hereinafter, “Nanno”). For at least the following reasons, Applicants submit that these rejections are improper.

10. While the Office Action indicates that the above claims are rejected over Single in combination with Nanno, the claims are actually rejected over Single in combination with a reference referred to in the Office Action as “‘935”. (See, Office Action, pgs. 4, 6 and 8.) In the telephonic interview discussed above, the Examiner confirmed that the ‘935 reference is Japanese Patent Document No. JP 04334935 to Miwa et al. (“Miwa”).

11. In the rejections of independent claims 25, 34 and 55 under §103, the Examiner relies upon element 6 of FIG. 1 of Miwa. (See, Office Action, pgs. 4-6 and 8.) However, Miwa is a non-English language document for which the Examiner has not provided an English-language translation. While the Examiner has provided an English-language abstract of Miwa, the abstract does not describe element 6. As such, it seems evident that the Examiner is relying upon the underlying non-English document for the above rejections, and not the abstract. Applicants remind the Examiner that “[i]f the document is in a language other than English and the examiner seeks to rely on that document, **a translation must be obtained** so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection.” (See, Manual of Patent Examining Procedure (MPEP) §706.02(II); emphasis added.) Additionally, “[w]hen an abstract is used to support a rejection, **the evidence relied upon is the facts contained in the abstract, not additional facts that may be contained in the underlying full text document.**” (See, Manual of Patent Examining Procedure (MPEP) §706.02(II); emphasis added.) Applicants submit that the Examiner’s reliance on information not contained in the abstract of Miwa is improper. Accordingly, Applicants submit that the rejections of independent claims 25, 34 and 55 are improper.

12. Applicants respectfully request that the rejections of claims 25, 34 and 55 be withdrawn for at least the reasons discussed above. If the Examiner wishes to maintain these rejections, Applicants request that the Examiner provide Applicants with a full English translation of Miwa so that Applicants will have the ability to meaningfully respond to the Examiner's rejections, and so that the record will be clear as to the facts the Examiner is relying upon to support the rejections.

Dependent claims

13. Applicants submit that the outstanding rejections of the rejected dependent claims depend upon the improper rejections of the independent claims. As such, Applicants submit that the rejections of the rejected dependent claims are improper at least for reasons similar to those discussed above in relation to the independent claims. Accordingly, Applicants respectfully request that the rejections of the dependent claims be withdrawn.

Drawings

14. Applicants note that the Examiner has failed to indicate in the Office Action Summary that the drawings submitted on September 9, 2010, have been accepted by the Examiner. Applicants respectfully request that the Examiner indicate the acceptance of the drawings in the next official communication.

Allowable Subject Matter

15. Applicants thank the Examiner for indicating the allowability of the subject matter recited in Applicant's claims 28-33, 43-51 and 60-63.

Claim Amendment

16. Applicants have corrected an informality in claim 45, above. Applicants submit that this correction raises no new issues.

Conclusion

17. In view of the foregoing, Applicants respectfully submit that this application is now in condition for allowance. A notice to this effect is respectfully requested.
18. Applicants makes no admission by not addressing any outstanding rejections or bases of rejections. Furthermore, Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application. Thus, cancellations and amendments of above claims, are not to be construed as an admission regarding the patentability of any claims.

Dated: February 7, 2011

Respectfully submitted,

/Michael G. Verga/
Michael G. Verga
Registration No.: 39,410
KILPATRICK TOWNSEND
& STOCKTON LLP
607 14th Street, NW
Suite 900
Washington, DC 20005
(404) 815-6500
(404) 815-6555 (Fax)
Attorney for Applicants